

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 44, 47, 53, 55 and 61 to more particularly point out and distinctly claim the subject matter that Applicant regards as the invention; no new matter has been added. Claims 44-67 remain pending in the application.

2.) Examiner Objections – Specification

The Examiner objected to the title of the invention as being “not descriptive.” The Applicant submits herein a proposed new title.

3.) Claim Rejections – 35 U.S.C. §102(e)

The Examiner rejected claims 44-49 and 53-67 as being anticipated by Ameigeiras, *et al.* (US 20040052234). The Applicant traverses the rejections.

First, it is to be remembered that anticipation requires that the disclosure of a single piece of prior art reveals **every** element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Whereas Ameigeiras fails to anticipate each and every limitation of claims 44-49 and 53-67, those claims are not anticipated thereby.

Claim 44 recites:

44. A method of load control between a transport protocol sender and transport protocol receiver in a radio communications system, the method comprising the step of:

transferring to said transport protocol receiver one or more signals carrying **radio resource data** from a radio resource management entity of a radio network control node intermediate to said transport protocol sender and said transport protocol receiver, said transport protocol receiver using said radio resource data to dynamically adapt transport protocol load. (emphasis added).

The Applicant's invention is directed to load control, and radio resource management, between a transport protocol sender and transport protocol receiver. A radio network control node, having a radio resource management entity, is located intermediate to the transport protocol sender and transport protocol receiver. According to claim 44, radio resource data is transferred from the radio resource management entity to the transport protocol receiver, which can use the radio resource data to dynamically adapt transport protocol load. Similarly, according to claims 47, 53, 55 and 61, radio resource data can be transferred to the transport protocol sender from the radio resource management entity in the radio network control node, to the radio resource management entity in the radio network control node from the transport protocol sender, or to transport protocol layers within the transport protocol sender or transport protocol receiver. In all cases, the transference of the radio resource data is advantageously used to dynamically adapt transport protocol load or to dynamically assign radio resources. Ameigeiras does not teach such functions.

In rejecting claims 44, 53, 55 and 61 as being anticipated by Ameigeiras, the Examiner states that Ameigeiras discloses a "TCP sender that sends data to a user equipment through a radio network controller." (emphasis added). The Examiner, however, fails to point to any teaching in Ameigeiras of "transferring to [a] transport protocol receiver one or more signals carrying radio resource data from a radio resource management entity of a radio network control node intermediate to [a] transport protocol sender and [a] transport protocol receiver," as recited in claim 44. Furthermore, there is no teaching in Ameigeiras of using such radio resource data to dynamically adapt transport protocol load or to dynamically assign radio resources. Therefore, Ameigeiras fails to anticipate claims 44, 53, 55 and 61. Whereas claim 47 has been amended to include analogous limitations, that claim is also not anticipated by Ameigeiras.

4.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 50-52 as being unpatentable over Ameigeiras in view of Cuny, *et al.* (US 20030179720). The Applicant traverses the rejections.

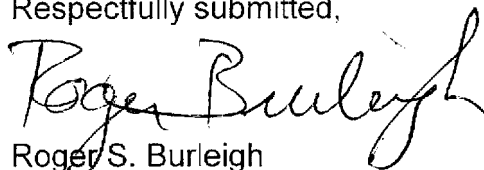
As noted *supra*, Ameigeiras fails to anticipated claim 47. Cuny also does not teach "transferring to [a] transport protocol receiver one or more signals carrying radio resource data from a radio resource management entity of a radio network control node intermediate to [a] transport protocol sender and [a] transport protocol receiver," nor the using of such radio resource data by a transport protocol receiver to dynamically adapt transport protocol load. Thus, claim 47 would not be obvious over Ameigeiras in view of Cuny. Therefore, whereas claims 50-52 are dependent from claim 47, and include the limitations thereof, they are also not obvious over the combination of those references.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 44-67.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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Date: August 14, 2007

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